

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JOHN McGRAW,

Plaintiff,

v.

XEROX CORPORATION,

Defendant.

Civil Action No. \_\_\_\_\_

**NOTICE OF REMOVAL**

Defendant Xerox Corporation (the “Defendant”), by and through undersigned counsel, respectfully submits, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, this Notice of Removal of the case styled *John McGraw v. Xerox Corporation*, currently pending in the Superior Court of the State of Delaware in and for New Castle County, Civil Action No. 06C-03-012-JOH. In support thereof, the Defendant states as follows.

1. Plaintiff John McGraw (the “Plaintiff”) initiated this civil action by filing a Complaint against the Defendant in the Superior Court of the State of Delaware in and for New Castle County.

2. As of April 7, 2006, the Plaintiff has served the following process and pleadings upon the Defendant:

- A. Complaint
- B. Summons
- C. Case Information Statement
- D. Certificate of Value

Copies of the foregoing documents are attached hereto as Exhibits A through D, respectively.

3. The Defendant first received a copy of the Plaintiff's Complaint on March 22, 2006. This Notice of Removal is being filed with the Court within 30 days of the receipt of the Complaint by the Defendant and is timely filed. *See* 28 U.S.C. § 1446(b).

4. The Plaintiff is a citizen and resident of New Castle County, Delaware. (Complaint ¶ 1.)

5. The Defendant is a New York corporation (*id.* ¶ 2) with its principal place of business in Connecticut.

6. The Plaintiff alleges that his termination was a violation of the implied covenant of good faith and fair dealing. (*Id.* ¶¶ 12-14.) The Plaintiff's counsel has certified that the Plaintiff's damages are in excess of \$100,000.00, exclusive of costs and interest. (Exhibit D.) Therefore, as the Plaintiff seeks recovery in excess of \$75,000.00 in his Complaint, exclusive of interest and costs, original, diversity jurisdiction is present in this Court and removal is appropriate. *See* 28 U.S.C. §§ 1332(a) and 1441(a).

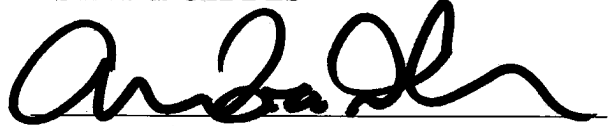
7. Removal to this Court is appropriate because the Plaintiff's action is pending in this district and division. *See* 28 U.S.C. § 1441(a).

8. A Notice of Removal to Federal Court is being filed contemporaneously herewith in the Superior Court of the State of Delaware in and for New Castle County. A copy of this Notice of Removal is attached thereto as an exhibit.

9. As set forth on the attached Certificate of Service, written notice of this pleading has been served upon counsel for the Plaintiff.

WHEREFORE, the Defendant respectfully notices the removal of this action to this Court from the Superior Court of the State of Delaware in and for New Castle County pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. The Defendant expressly reserves all defenses available to it.

ASHBY & GEDDES

A handwritten signature in black ink, appearing to read 'Ashby', written over a horizontal line.

Lawrence C. Ashby (No. 468)

Carolyn Hake (No. 3839)

Andrew D. Cordo (No. 4534)

222 Delaware Ave., 17th Floor

P.O. Box 1150

Wilmington, DE 19899

(302) 654-1888

*Attorneys for the Defendant, Xerox  
Corporation*

*OF COUNSEL:*

Robert R. Niccolini

Elena D. Marcuss

McGuireWoods LLP

7 St. Paul Street, Suite 1000

Baltimore, Maryland 21202

410-659-4400

Dated: April 11, 2006

168363.1

# **EXHIBIT A**

EFiled: Mar 1 2006 3:47P  
Transaction ID 10692176



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY

JOHN MCGRAW,

Plaintiff,

v.

XEROX CORPORATION,

Defendant.

C.A. No. 06C-03-012 JKH

NON-ARBITRATION

JURY TRIAL DEMANDED

COMPLAINT

1. Plaintiff, John McGraw ("McGraw"), is a resident of New Castle County, Delaware.
2. Defendant, Xerox Corporation ("Xerox"), is a New York corporation registered to do business in Delaware.
3. McGraw was employed by Xerox as a Senior Regional Sales Manager from January 10, 2005 until January 27, 2006.
4. While employed by Xerox, McGraw performed well and received top honors for his district's performance.
5. On Monday, October 10, 2005, Mr. Ferretti, McGraw's immediate supervisor ("Ferretti") joined McGraw for a series of meetings with customers and prospective customers in the metropolitan Washington, D.C. area. On October 11, Ferretti verbally attacked McGraw, at one point telling him to "shut the hell up." Ferretti immediately and without McGraw's knowledge, canceled the scheduled meetings and returned to California, ostensibly for family medical issues. That evening, in accordance with Xerox policies and procedures, McGraw registered a complaint with respect to Ferretti's conduct.

6. The following day, Ferretti called McGraw to inform him that his employment with Xerox had come to an end, and he could leave the "easy way" or the "hard way." Ferretti further explained that the "easy way" was to resign and accept the modest severance being offered, while the "hard way" was being placed on a "performance improvement process" which would result in his termination. When McGraw questioned Ferretti on why he was being terminated, Ferretti responded that it was because of sexual harassment and drunkenness at meetings held in Palo Alto, California and because the customers "don't like him." Since this was the first time McGraw had heard of such problems, he asked Ferretti to elaborate. Instead of explaining, Ferretti refused to furnish any details and pushed McGraw to resign. Thus, the campaign to get rid of McGraw began.

7. Xerox performed an internal investigation of Ferretti's sexual harassment allegations against McGraw and found no violation. Xerox also performed an internal investigation of McGraw's allegations of Ferretti's abusive conduct and found that Ferretti's conduct was inappropriate.

8. In spite of the results of Xerox's investigations, in January 2006 Xerox conditioned McGraw's return to work on his execution of and compliance with a Performance Improvement Process (the "Process"). The Process was implemented for McGraw as a result of new allegations by Ferretti. Since McGraw had been cleared of Ferretti's prior allegations of sexual harassment, Ferretti now alleged that McGraw had job performance problems such as an inability to properly prepare forecasts and overuse of internal sales representative resources. The Process would allow the termination of McGraw's employment in 30 days unless he was able to meet certain job performance improvement goals. The Process included tasks that, prior to his complaint against Ferretti, had never been assigned to McGraw and, more importantly, for which he had never been

trained. However, the most startling aspect of the Process was that Ferretti would be involved in McGraw's evaluation.

9. While McGraw did not object to the Process as a learning and improvement tool, fearing that Ferretti would follow through on his threats to get McGraw out of Xerox in precisely this manner, he objected to allowing Ferretti to be the judge and jury of his progress. McGraw expressed his concerns about Ferretti and asked that a third party be responsible for oversight of his progress. Xerox refused McGraw's request.

10. Ferretti and Xerox could not reach agreement. On January 27, 2006, McGraw was terminated.

**Count I - Breach of the Implied Covenant of Good Faith and Fair Dealing**

11. Plaintiff incorporates and repeats the allegations of paragraphs 1-10 as if specifically set forth herein.

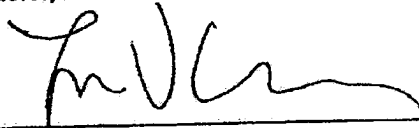
12. Plaintiff was allegedly terminated on January 27, 2006 for poor job performance and failure to execute a Performance Improvement Process agreement.

13. McGraw was not, in fact, discharged for these alleged shortcomings.

14. By manufacturing false grounds for his discharge, Xerox violated the implied covenant of good faith and fair dealing.

WHEREFORE, plaintiff, John McGraw, respectfully requests that judgment be entered in his favor in an amount to be determined after trial for compensatory damages, prejudgment and post-judgment interest, attorney's fees and other costs incurred in pursuing this action.

SMITH, KATZENSTEIN & FURLOW LLP



Laurence V. Cronin (ID No. 2385)  
Eita R. Wolfe (ID No. 4164)  
800 Delaware Avenue, 7<sup>th</sup> Floor  
P.O. Box 410  
Wilmington, DE 19899 (Courier 19801)  
Telephone: 302-652-8400  
Facsimile: 302-652-8405  
Email: [LVC@skfidelaware.com](mailto:LVC@skfidelaware.com)

Attorneys for plaintiff

March 1, 2006



# **EXHIBIT B**

EFiled: Mar 1 2006 3:47P  
Transaction ID 10692176



**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY**

JOHN MCGRAW,

Plaintiff,

v.

~~LAURENCE V. CRONIN~~

Defendant.

C.A. No. 06C-03-012 JKH

NON-ARBITRATION CASE

JURY TRIAL DEMANDED

**SUMMONS**

**THE STATE OF DELAWARE,  
TO THE SHERIFF OF NEW CASTLE COUNTY:  
YOU ARE COMMANDED:**

To summon the above named defendant, so that, within 20 days after service hereof upon defendant exclusive of the day of service, defendant shall serve upon Laurence V. Cronin, plaintiff's attorney, whose address is 800 Delaware Avenue, P.O. Box 410, Wilmington, Delaware 19899, an answer to the complaint (and, if an affidavit of demand has been filed, an affidavit of defense).

To serve upon defendant a copy hereof and of the complaint (and of the affidavit of demand if any has been filed by plaintiff).

Dated:

3/16/06

SHARON AGNEW  
Prothonotary  
Per Deputy

**TO THE ABOVE NAMED DEFENDANT:**

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on plaintiff's attorney named above an answer to the complaint (and, if an affidavit of demand has been filed, an affidavit of defense), judgment by default will be rendered against you for the relief demanded in the complaint (or in the affidavit of demand, if any).

Dated:

SHARON AGNEW  
Prothonotary  
Per Deputy

Rev 5/91-1

10011674.WPD

IN SHEET 000000000000  
NEW CASTLE COUNTY  
2006 MAR 17 AM 9:28

# **EXHIBIT C**

**SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (I**

Transaction ID 10692176

COUNTY: [N] K S

CIVIL ACTION NUMBER 14-1000

06C-43-012 JLT

CIVIL CASE CODE: CDBT

CIVIL CASE TYPE: Debt/Breach of Contract

**(SEE REVERSE SIDE FOR CODE AND TYPE)**



(SEE REVERSE SIDE FOR CODE AND TYPE)	
<b>CAPTION:</b>  JOHN MCGRAW, Plaintiff,  v.  XEROX CORPORATION,  Defendants.	<b>NAME AND STATUS OF PARTY FILING DOCUMENT:</b>  John McGraw, plaintiff  <b>DOCUMENT TYPE: (E.G., COMPLAINT; ANSWER WITH COUNTERCLAIM)</b>  Complaint  NON-ARBITRATION <u>  X  </u> E-Filed <u>  X  </u> (CERTIFICATE OF VALUE MAY BE REQUIRED)  ARBITRATION <u>      </u> MEDIATION <u>      </u> NEUTRAL ASSESSMENT <u>      </u>  DEFENDANT (CIRCLE ONE) ACCEPT REJECT  JURY DEMAND <u>  X  </u> YES <u>      </u> NO  TRACK ASSIGNMENT REQUESTED: (CIRCLE ONE) EXPEDITED [STANDARD] COMPLEX

<b>ATTORNEY NAME(S):</b> <u>Laurence V. Cronin (I.D. No. 2385)</u>	<b>IDENTIFY ANY RELATED CASES NOW PENDING IN THE SUPERIOR COURT BY CAPTION AND CIVIL ACTION NUMBER INCLUDING JUDGE'S INITIALS</b> _____ _____
<b>FIRM NAME:</b> <u>Smith, Katzenstein &amp; Furlow LLP</u>	<b>EXPLAIN THE RELATIONSHIP(S):</b> _____ _____ _____
<b>ADDRESS:</b> <u>800 Delaware Avenue, 7<sup>th</sup> Floor</u> <u>P.O. Box 410</u> <u>Wilmington, DE 19899</u>	<b>OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT:</b> _____ _____ _____ _____
<b>TELEPHONE NUMBER:</b> <u>302-657-8400</u>	
<b>FAX NUMBER:</b> <u>302-657-8405</u>	
<b>E-MAIL ADDRESS:</b> <u>lcronin@skfidelaw.com</u>	<b>(IF ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH PAGES)</b>

**THE PROTHONOTARY WILL NOT PROCESS THE COMPLAINT, ANSWER OR FIRST RESPONSIVE PLEADING IN THIS MATTER FOR SERVICE UNTIL THE CASE INFORMATION STATEMENT (CIS) IS FILED. THE FAILURE TO FILE THE CIS AND TO HAVE THE PLEADING PROCESSED FOR SERVICE MAY RESULT IN THE DISMISSAL OF THE COMPLAINT OR MAY RESULT IN THE ANSWER OR FIRST RESPONSIVE PLEADING BEING STRICKEN.**

# **EXHIBIT D**

**EFiled: Mar 1 2006 3:47P**  
**Transaction ID 10692176**



**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**  
**IN AND FOR NEW CASTLE COUNTY**

**JOHN MCGRAW,**

**Plaintiff,**

 $\mathbf{y}_i$ 

**XEROX CORPORATION.**

**Defendant.**

C.A. No. \_\_\_\_\_

## NON-ARBITRATION

## JURY TRIAL DEMANDED

## CERTIFICATE OF VALUE

I, Laurence V. Cronin, Esquire, attorney for the plaintiff, hereby certify in good faith at this time, in my opinion, that the damages of plaintiff are in excess of \$100,000.00, exclusive of costs and interest.

SMITH, KATZENSTEIN & FURLOW LLP

/s/ Laurence V. Cronin

**Laurence V. Cronin (I.D. #2385)**  
**800 Delaware Avenue, 7<sup>th</sup> Floor**  
**P.O. Box 410**  
**Wilmington, DE 19899**  
**(302) 652-8400**  
**Attorneys for Plaintiff**

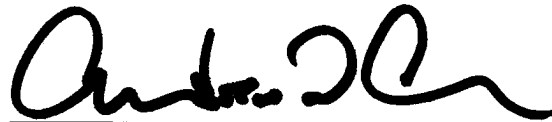
**Date:** March 1, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that this the 11th day of April, 2006 a copy of the foregoing **Notice of Removal** was served upon counsel for the Plaintiff at the address set forth below and in the manner indicated.

**BY HAND**

Laurence V. Cronin, Esquire  
Etta R. Wolfe, Esquire  
Smith, Katzenstein & Furlow LLP  
800 Delaware Avenue, 7th Floor  
P.O. Box 410  
Wilmington, DE 19899

A handwritten signature in black ink, appearing to read 'Andrew D. Cordo', written over a horizontal line.

Andrew D. Cordo

JS 44 (Rev. 11/04)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

John McGraw

(b) County of Residence of First Listed Plaintiff **New Castle, DE**  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)  
**Laurence V. Cronin, SMITH, KATZENSTEIN & FURLOW LLP,**  
800 Delaware Ave. 7th Flr., PO Box 410, Wilmington,  
DE 19899, (302) 652-8400

**DEFENDANTS**

Xerox Corporation

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)  
**Lawrence C. Ashby, Carolyn Hake, Andrew D. Cordo,**  
**ASHBY & GEDDES, 222 Delaware Ave. 17th Flr., PO**  
**Box 1150, Wilmington, DE 19899, (302) 654-1888**

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                            |   |                            |                                       |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
|   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding  
☒ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**28 U.S.C. 1332**

Brief description of cause:

**Removal of action alleging breach of the implied covenant of good faith & fair dealing****VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23  
**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

April 11, 2006

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE



AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 06 - 243

**ACKNOWLEDGMENT**  
**OF RECEIPT FOR AO FORM 85**

**NOTICE OF AVAILABILITY OF A**  
**UNITED STATES MAGISTRATE JUDGE**  
**TO EXERCISE JURISDICTION**

I HEREBY ACKNOWLEDGE RECEIPT OF 1 COPIES OF AO FORM 85.

APR 11 2006

(Date forms issued)

Todd H. Hines Sr.

(Signature of Party or their Representative)

Todd H. Hines SR.

(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action